Relin appeals Walz decision on 'Topfree 7'

DA says he seeks to clarify nudity law

By Michelle Fountaine Williams
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The Monroe County district attorney's office is appealing the so-called "Topfree Seven" case in which a Rochester City Court judge ruled that women can bare their breasts in public.

Yet, in the ruling, Judge Herman J. Walz upheld the state's nudity law that bars women and not men from baring their chests in public.

District Attorney Howard R. Relin said yesterday that his office is appealing the judge's decision "in order to clarify the law and to set precedents in these types of cases."

Walz's decision is not binding in courts other than his own when he sits in the arraignment portion of City Court.

Last June, seven women — six of them from the Rochester area — removed their shirts in Cobbs Hill Park as an exercise of their right to freedom of speech. The women wanted to be arrested to challenge the state law in court.

They were arrested and charged with exposure of person, a violation, but the case never went beyond Walz because charges were dismissed as part of his 18-page decision last December.

He said that women are free to expose their breasts publicly in Rochester, but only if they're clearly trying to get a message across — such as protesting the state nudity law.

The women hoped to challenge the law in a higher court, but they lost that right when Walz dismissed the charges in December.

The day of Walz's decision, Relin said that he would appeal on the grounds that baring chests is not a legitimate form of expression.

Ramona Santorelli, one of the seven women arrested, said yesterday that she was pleased with the news of an appeal.

"Our goal was to get this to a higher court," she said.

During their trial, the women said that the state law creates an obsession with women's breasts that might lead to violence against females. Prosecutors claimed that by exposing their breasts, women risked sexual attacks.

The appeal will be argued in Monroe County Court. A date has not been set.